

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PURE POWER BOOT CAMP, INC.; PURE  
POWER BOOT-CAMP FRANCHISING  
CORPORATION; and PURE POWER BOOT  
CAMP JERICHO INC.,

Plaintiffs,

- against -

WARRIOR FITNESS BOOT CAMP, LLC;  
ALEXANDER KENNETH FELL a/k/a ALEX FELL,  
Individually; RUBEN DARIO BELLIARD  
a/k/a RUBEN BELLIARD, Individually;  
JENNIFER J. LEE, Individually;  
and NANCY BAYNARD, Individually,

Defendants.

ECF Case  
Case No. 08-cv-4810 (JGK) (THK)

**AFFIDAVIT OF ALEXANDER KENNETH FELL**

STATE OF NEW YORK    )  
  ) ss:  
COUNTY OF NEW YORK)

ALEXANDER KENNETH FELL, being duly sworn, deposes and says:

1. I am a Defendant in this action and I respectfully submit this Affidavit in support of Defendants' Motion for an Order Precluding the Use or Disclosure of Specific E-mails Illegally Obtained by Plaintiffs, Pure Power Boot-Camp, Inc., Pure Power Boot-Camp Franchising Corp., and Pure Power Boot-Camp Jericho Inc. (collectively "Plaintiffs"), directing the immediate return of the e-mails, and granting Defendants their attorney's fees, costs, and disbursements resulting from Plaintiffs' illegal actions.

**Background of Plaintiffs' Illegal Activities**

2. From August 2005 until March 16, 2008, I was employed as a "Fitness Drill Instructor" by Plaintiffs.

3. Shortly after I left Plaintiffs' employ, Lauren Brenner ("Brenner"), Plaintiffs' owner, or an agent operating on her behalf, hacked into my personal Hotmail, Gmail, and Warrior Fitness Boot Camp e-mail accounts. Brenner has also apparently read or disclosed the contents of these e-mails to her current and former clients.

4. At no time during my employment with Plaintiffs or after I left Plaintiffs' employ did I share or authorize use of my password or my Hotmail, Gmail, or Warrior Fitness Boot Camp e-mail accounts with Brenner or her agents.

5. The e-mails illegally obtained by Brenner all share common characteristics. They were all sent or received from private accounts, were drafted or received on my personal home computer, and were illegally obtained after I left Plaintiffs' employ.

6. E-mails "1-11" were sent or received outside of the hours I worked for Plaintiffs (the e-mails are attached to the Affirmation of my Counsel, Daniel A. Schnapp, Esq. ("Schnapp Aff.")). As a Fitness Drill Instructor, I worked different hours depending on the day. All of the e-mails in this category were sent or received outside these hours and after I left the Plaintiffs' premises, as evidenced by the time stamps on each e-mail (several of which are between 2 and 5 a.m.).

7. E-mails "12-14" and "28" were sent or received from members of the firm of Fox Rothschild and were for the purpose of sending legal advice.

8. E-mails "15-34" were sent or received after March 16, 2008, after my final day of work for Plaintiffs.

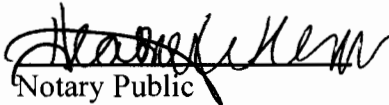
9. All of the e-mails attached to Plaintiff's Motion are missing the text at the bottom of each page that should automatically appear to indicate the time and date the pages were printed. Brenner or her agents apparently removed this text to hide the illegality of her actions. Annexed hereto as Exhibit "A" are examples of the true and correct copies of certain e-mails.

WHEREFORE, Defendants respectfully urge this Court to grant their Motion in its entirety.



ALEXANDER KENNETH FELL

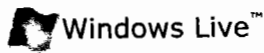
Sworn to before me this  
30<sup>th</sup> day of JUNE, 2008



Notary Public

HEATHER WRENN  
Notary Public, State of New York  
No. 01WR6134614  
Qualified in Queens County  
Commission Expires October 3, 2009

**EXHIBIT A**



## GoDaddy.com Order Confirmation

From: [sales@godaddy.com](mailto:sales@godaddy.com)  
Sent: Wed 7/25/07 2:15 AM  
To: [kappamarine@hotmail.com](mailto:kappamarine@hotmail.com)

ORDER CONFIRMATION from GODADDY.COM



Tuesday, July 24, 2007 7:14:55 PM

Special Offers & Helpful Hints

Dear Alexander Fell,

Thank you for ordering from GoDaddy.com! This email contains important information regarding your recent purchase — please save it for reference.

CUSTOMER NUMBER: 15519360  
LOGIN NAME: 15519360  
RECEIPT NUMBER: 75430696  
ORDER TOTAL: \$22.18  
CUSTOMER SERVICE: (480) 505-8877

QTY	ITEM	PRICE
1	.COM Domain Name Registration - 1 Year WARRIORFITNESSBOOTCAMP.COM	\$2.19
1	Deluxe Email (1 GB/5 Boxes)	\$19.99

Subtotal:	\$22.18
Shipping & Handling:	\$0.00
Tax:	\$0.00
Total:	\$22.18

### Important Information concerning your purchase:

Domain Registration	Product Info	Legal Agreement
Free Complete Email	Product Info	Legal Agreement
Free Hosting w/ Web Site Builder	Product Info	
	Product	Legal

**\$1.99\***  
**DOMAINS**

Domains are only **\$1.99**  
with any new, non-domain  
purchase. No quantity limit!

**FREE** with  
every domain:

- Hosting\*\*
- Web builder
- Blog
- Personalized Email
- AND MORE!

[Learn more now](#)

Deluxe Hosting - Just \$6.29/mo  
for 12 months! Save 10%! Host  
with 50,000MB space, 500GB  
transfer, FREE software & more!

Deluxe Email - Just \$19.99/yr!  
Advertising-free and protected  
from fraud, spam & viruses!

WebSite Tonight® Deluxe - Just  
\$8.10/mo for 12 months!  
Build your site online in minutes!  
Save 10%!

### How Do I...?

- ▶ Create my email account?
- ▶

Quick Blog	Info	Agreement
Starter Web Page or For Sale Page	Product Info	
Webmail	Product Info	Legal Agreement

Log in to the Go Daddy® Account Manager to set up and/or manage your free and purchased products:

1. Go to the GoDaddy.com home page and click "My Account."
2. Enter your log in name (or customer number) and password, then click "Secure Login," which will take you to the Account Manager where you may manage your products and services.

Download your free print-quality guide,  
*Making the Internet Work for You* here.

Adobe® Reader® is needed to view this guide.  
To download it click here.

If you have any questions about this order or the products/services you've purchased, please feel free to:

- Contact Customer Support at (480) 505-8877
- Email us at [support@godaddy.com](mailto:support@godaddy.com)

Sincerely,  
GoDaddy.com



Prices are current as of 7/24/2007, and may be changed without notice.

\*Plus ICANN fee of 20 cents per domain name year. Visit our Web site for details.

\*\*Free hosting w/domain name is ad-supported hosting. Ad-supported Web sites contain relevant online advertising on a small portion of the site, but DO NOT include obtrusive pop-up ads.

Copyright © 2007 GoDaddy.com. All rights reserved.

- Set up my hosting account?
- ▶ Receive my Google® AdWords® or Microsoft® adCenter credit?
  - ▶ Get answers to product setup questions?
  - ▶ Register more domain names?
  - ▶ Make a domain name private?
  - ▶ Manage a registered domain name?
  - ▶ Forward a domain name?
  - ▶ Renew domain names?
  - ▶ Transfer domain names to Go Daddy?
  - ▶ Set up my dedicated or virtual dedicated server?
  - ▶ Drive web traffic using Traffic Blazer®?
  - ▶ Find out about what's new with products and services?
  - ▶ Activate my Free Practical eCommerce subscription?
  - ▶ View Legal Agreements?